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November 20, 2023

Via ECF & E-Mail <Failla_NYSDChambers@nysd.uscourts.gov>

The Honorable Katherine Polk Failla
United States District Judge
United States District Court, Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

**Re: Joint Letter Motion to Extend Time for Parties to File
FLSA Settlement Documents for Court Review
Case Name: *Barroso v. Table 87 Gowanus NYC LLC, et al.*
Case No.: 23-cv-04864 (KPF)**

Dear Judge Failla:

This law firm represents all Defendants in the above referenced case. Pursuant to Rule 2(D) of Your Honor's Individual Rules of Practice in Civil Cases, the parties jointly write to request a 3-week extension for the parties to file the proposed settlement agreement and corresponding documents for court review pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). The proposed settlement agreement and corresponding documents are currently due on November 24, 2023 [See ECF Doc. No. 33]. The parties have exchanged multiple drafts of the settlement agreement and corresponding documents and are working diligently to finalize the settlement documents. Unfortunately, the parties will not be able to submit the fully-executed settlement agreement for *Cheeks* review by the November 24th deadline because defendant Thomas Cucco, who will be signing the revised settlement agreement on his own behalf and as the authorized representative on behalf of the corporate defendants, recently underwent a medical procedure and remains hospitalized. Although Mr. Cucco is expected to make a full recovery and Defendants anticipate that he will be discharged from the hospital sometime after Thanksgiving, it is presently unclear when he will be able to execute the settlement agreement. Moreover, Plaintiff has not executed the settlement agreement. Accordingly, the parties request that the Court extend the deadline for the parties to file their settlement agreement and supporting documents until December 15, 2023.

This is the parties' second request for an extension of the deadline to file their settlement agreement and supporting documents. The original deadline for the parties to file the settlement documents was November 10, 2023 [See ECF Doc. No. 26]. The Court previously granted the parties' first extension request. [See ECF Doc. No. 33].

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We thank the Court for its time and consideration, and we apologize for any inconvenience this may cause. Happy Thanksgiving.

Respectfully submitted,

FORCHELLI DEEGAN TERRANA LLP

By: /s/Alexander Leong
Alexander Leong

cc: Leonor Coyle, Esq., Plaintiff's attorney (via ECF)

Application GRANTED. The Court wishes Mr. Cucco good health and a speedy recovery. The parties shall file their settlement agreement and supporting documents on or before **December 15, 2023**.

The Clerk of Court is directed to terminate the pending motion at docket number 34.

Dated: November 27, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE